

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

ROY COCKRUM, et al.,

*Plaintiffs,*

v.

DONALD J. TRUMP FOR PRESIDENT,  
INC.,

*Defendant.*

Case No. 3:18-cv-484-HEH

Date: November 8, 2018

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**MOTION FOR LEAVE OF FORMER NATIONAL SECURITY OFFICIALS  
AS AMICI CURIAE IN SUPPORT OF NEITHER PARTY**

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*Counsel for Amici Curiae*

Proposed amici curiae, a group of former national security officials identified below, respectfully submit this motion seeking leave to file under Local Civil Rule 7 the accompanying amicus curiae brief attached as an exhibit in support of neither party in the above-captioned case.

1. This Court has recognized that district courts have “broad discretion in deciding whether to allow a non-party to participate as an *amicus curiae*.” *Tafas v. Dudas*, 511 F.Supp.2d 652, 659 (E.D. Va. 2007); *see also Perry-Bey v. City of Norfolk, Virginia*, No. 2:08cv100, 2008 WL 11348007 (E.D. Va. Aug. 14, 2008) (“[D]istrict courts possess the inherent authority to appoint ‘friends of the court’ to assist in their proceedings (citations and quotations omitted). Amicus briefs “have been allowed at the trial level where they provide helpful analysis of the law, they have a special interest in the subject matter of the suit, or existing counsel is in need of assistance.” *Tafas*, 511 F.Supp.2d at 659 (citations and quotations omitted); *see also Perry-Bey*, 2008 WL 11348007, at \*3 (amici should be approved where “could be helpful to the Court in addressing some of the issues raised by the parties”); *Jin v. Ministry of State Security*, 557 F.Supp.2d 131, 137 (D.D.C. 2008) (district court may approve a motion to file an amicus curiae brief “when the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide”).

2. Proposed amici curiae are former national security, foreign policy and intelligence officials with decades of experience in Russian security and intelligence practices. They have served at senior levels in the administrations of Presidents of both parties, including in senior roles in the intelligence agencies of the United States. They have devoted decades to combating the threats the United States faces in a dynamic and dangerous world. Amici do not take a position on the specific allegations in the Complaint in this case. They write instead to offer their unique expertise and perspective, informed by their decades of work inside the U.S.

government on intelligence and foreign policy matters involving the Russian government, on a specific question of national security that is relevant to the case and may bear on the Court's consideration—whether and how Russia uses local actors inside a country to facilitate “active measures” or disinformation campaigns.

3. Proposed amici are:

- a. John O. Brennan served as Director of the Central Intelligence Agency from 2013 to 2017. He previously served as Deputy National Security Advisor for Homeland Security and Counterterrorism and Assistant to the President from 2009 to 2013.
- b. William J. Burns served as Deputy Secretary of State from 2011 to 2014. He previously served as Under Secretary of State for Political Affairs from 2008 to 2011, and as U.S. Ambassador to Russia from 2005 to 2008.
- c. Michael Carpenter served as Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia from 2015 to 2017. He previously served as a foreign policy advisor to Vice President Joe Biden and as Director for Russia at the National Security Council.
- d. James Clapper served as U.S. Director of National Intelligence from 2010 to January 20, 2017.
- e. Philip H. Gordon served as Assistant Secretary of State for European and Eurasian Affairs from 2009 to 2013. He also served as Special Assistant to the President and White House Coordinator for the Middle East, North Africa and the Gulf; and Director for European Affairs at the National Security Council.
- f. Avril D. Haines served as Deputy National Security Advisor to the President of the United States from 2015 to January 20, 2017. From 2013 to 2015, she served as Deputy Director of the Central Intelligence Agency.
- g. Steven L. Hall retired from the Central Intelligence Agency in 2015 after 30 years of running and managing intelligence operations in Eurasia and Latin America. Mr. Hall was responsible for CIA Russian operations, overseeing intelligence operations in the countries of the former Soviet Union and the former Warsaw Pact.
- h. General (ret.) Michael V. Hayden, USAF, served as Director of the Central Intelligence Agency from 2006 to 2009. From 1995 to 2005, he served as Director of the National Security Agency.
- i. Michael McFaul served as U.S. Ambassador to the Russian Federation from January 2012 to February 2014. Before becoming ambassador, he served for three years as a

special assistant to the president and senior director for Russian and Eurasian Affairs at the National Security Council.

- j. Michael J. Morell served as Acting Director of the Central Intelligence Agency in 2011 and from 2012 to 2013; as Deputy Director of the Central Intelligence Agency from 2010 to 2013; and as a career official from 1980 onward. His duties included briefing Presidents George W. Bush and Barack Obama.
- k. Stephen Sestanovich served from 1997 to 2001 as ambassador-at-large and special adviser to the Secretary of State for the new independent states (including Russia) of the former Soviet Union. Earlier, he served as senior director for policy development (from 1985 to 1987); director of political-military affairs from (1984 to 1985) at the National Security Council.
- l. John Sipher retired in 2014 after a 28-year career in the Central Intelligence Agency's National Clandestine Service. John served multiple overseas tours as Chief of Station and Deputy Chief of Station in Europe, Asia, Southeast Asia, the Balkans, and South Asia.
- m. Julianne Smith served as Deputy National Security Advisor to Vice President Joe Biden from 2012 to 2013. Before her post at the White House, she served for three years as the Principal Director for European and NATO Policy in the Office of the Secretary of Defense in the Pentagon.
- n. Strobe Talbott served as Deputy Secretary of State from 1994 to 2001.

4. Counsel for proposed amici sought the consent of counsel for the Plaintiffs and the Defendant for the relief requested by this Motion. Counsel for the Plaintiffs consented to the relief requested by this Motion. Counsel for the Defendant took no position on the relief requested by this Motion.

5. A similar motion to grant leave to file the attached amicus brief was granted by the U.S. District Court for the District of Columbia in the earlier proceedings of this case in that court. *See Minute Order, Cockrum v. Donald J. Trump for President, Inc.*, No. 17-cv-01370-ESH (D.D.C. Dec. 9, 2017).

6. This Motion seeking leave to file the attached amicus curiae brief in support of Plaintiffs, is filed well in advance of the close of briefing on defendants' motion to dismiss and any hearing by this Court, and so does not unduly delay the Court's ability to rule on any matter.

The Motion is also filed well in advance of the time table established by the Federal Rules of Appellate Procedure for the filing of amicus briefs. *See* Fed. R. App. P. 29(a)(6) (establishing deadline of seven days after the appellant's or petitioner's principal brief is filed in cases where an amicus brief does not support either party).

7. Proposed amici therefore respectfully request leave to file an amicus brief in support of neither party.

Dated: November 8, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Ivan Yacub, hereby certify that on November 8, 2018, the foregoing document was filed and served through the CM/ECF system.

Respectfully submitted,

/s/ Ivan Yacub

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